

AMENDED IN ASSEMBLY APRIL 24, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 2706**

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**Introduced by Assembly Member Roger Hernández**

February 21, 2014

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An act to add Section 49452.9 to the Education Code, relating to health care coverage.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2706, as amended, Roger Hernández. Schools: health care ~~coverage~~; *coverage: enrollment assistance*.

Existing law requires the governing board of a school district to make rules for the physical examination of pupils that will ensure proper care of the pupils and proper secrecy with regard to any defect noted. ~~Existing law allows the parent or legal guardian having control or charge of any child enrolled in a public school to annually file a statement in writing, signed by the parent or legal guardian, that he or she will not consent to an examination of his or her child.~~ Existing law requires a pupil, while enrolled in kindergarten in a public school, or while enrolled in first grade in a public school if the pupil was not previously enrolled in kindergarten in a public school, to present proof, no later than May 31 of the school year, of having received an oral health assessment by a licensed dentist or other licensed or registered dental health professional operating within his or her scope of practice that was performed no earlier than 12 months prior to the date of the initial enrollment of the pupil. *Existing law prohibits a school district from permitting access to pupil records, other than directory information,*

*to any person without parental consent or without a judicial order, except to specified persons under certain circumstances, including to a pupil 16 years of age or older or who has completed grade 10.*

Existing law, the federal Patient Protection and Affordable Care Act (PPACA), requires an applicable individual to ensure that he or she, and any dependent of that individual, is covered under minimum essential coverage for each month beginning after 2013.

~~This bill would require a parent or legal guardian of a pupil enrolling in transitional kindergarten, kindergarten, or first grade, to make a written disclosure stating whether the pupil is covered by health care coverage that constitutes minimum essential coverage under PPACA. The bill would require the parent to provide proof of the pupil's health care coverage and would require a school district to make a reasonable effort to direct the parent or legal guardian of a pupil who is not covered by minimum essential coverage under PPACA to the necessary resources to obtain that coverage. The bill would require a public school to provide a specified written notice to the parent regarding the use of this information. The bill would authorize the State Department of Education to develop a standardized template for this written disclosure and would require the department to make the template available on its Internet Web site and provide written copies to a school district upon request.~~

*This bill would require a public school to add a form to its enrollment forms, or amend an existing enrollment form to include a section, that offers a parent or legal guardian of a pupil the option of being connected to specified individuals or entities for the purpose of providing the parent or legal guardian information about health care coverage options and enrollment assistance. The bill would require a public school to share the contact information of the parent or legal guardian with specified individuals or entities, if consent is provided, and would prohibit the school from disclosing the information provided on the form or amendment for any other purpose. The bill would authorize a school to also include a fact sheet with its enrollment forms explaining basic information about affordable health care coverage options for children and families. The bill would authorize the State Department of Education to develop a standardize template for the fact sheet and the enrollment form or amendment and would require the department to make those templates available on its Internet Web site and provide written copies to a school district upon request.*

By requiring schools ~~and school districts~~ to perform additional duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 49452.9 is added to the Education Code,  
2     to read:  
3     49452.9. (a) Commencing with the 2015–16 school year, a  
4     public school, including a charter school, shall add a form to its  
5     enrollment forms, or amend an existing enrollment form to include  
6     a section, that offers a parent or legal guardian of a pupil the  
7     option of being connected to any of the following for the purpose  
8     of providing the parent or legal guardian information about health  
9     care coverage options and enrollment assistance:  
10    (1) A Certified Enrollment Counselor who meets the applicable  
11    requirements of Chapter 12 (commencing with Section 6408) of  
12    Title 10 of the California Code of Regulations.  
13    (2) School personnel who conduct health care coverage  
14    enrollment.  
15    (3) A local nonprofit organization qualified to assist with health  
16    care coverage enrollment.  
17    (b) The form or amendment shall be in no less than 10-point  
18    font and shall contain a check box that states the following:  
19  
20    “Affordable health care coverage options may be available to  
21    you and your child. Please check here if you would like a person  
22    qualified to assist you with health care coverage enrollment to  
23    contact you and provide information to you about affordable health  
24    care coverage options and enrollment assistance. Your name and  
25    contact information will only be shared for this purpose.”  
26  
27    (c) (1) The form or amendment shall request the contact  
28    information of the parent or legal guardian and his or her consent

1 to share that information with an individual or entity listed in  
2 subdivision (a). This consent shall be signed and dated by the  
3 parent or legal guardian.

4 (2) The form or amendment shall include a notice stating that  
5 the information provided shall only be shared with specified  
6 individuals or entities who assist with health care coverage  
7 enrollment. This paragraph shall be deemed satisfied if the school  
8 uses the template developed under subdivision (g).

9 (d) When a parent or legal guardian checks the box described  
10 in subdivision (b) and provides the contact information and consent  
11 described in subdivision (c), the school shall provide the contact  
12 information supplied on the form or amendment directly to one of  
13 the individuals or entities described in subdivision (a).

14 (e) The information provided on the form or amendment  
15 required under this section shall be considered a pupil record  
16 under Article 5 (commencing with Section 49073) of Chapter 6.5.  
17 Notwithstanding any provision of law, including Article 5  
18 (commencing with Section 49073), that information shall not be  
19 disclosed to any person other than as required by this section.

20 (f) A school may include a fact sheet with the its enrollment  
21 forms explaining basic information about affordable health care  
22 coverage options for children and families.

23 (g) (1) The State Department of Education may develop a  
24 standardized template for both of the following:

25 (A) The form or amendment required by subdivision (a). This  
26 template shall include a statement indicating that the information  
27 disclosed shall only be shared with specified entities or individuals  
28 who assist with health care coverage enrollment and shall not be  
29 shared with any other entities or individuals.

30 (B) The fact sheet described in subdivision (f).

31 (2) The department shall make any templates developed pursuant  
32 to this subdivision available on its Internet Web site and shall,  
33 upon request, provide written copies of the template to a school  
34 district.

35 (h) A school district shall not discriminate against a pupil who  
36 does not have health care coverage or use any information relating  
37 to a pupil's health care coverage or interest in learning about  
38 health care coverage in any manner that would bring harm to the  
39 pupil or the pupil's family.

1 SECTION 1. ~~Section 49452.9 is added to the Education Code,~~  
2 ~~to read:~~

3 ~~49452.9. (a) Commencing with the 2015-16 school year, upon~~  
4 ~~first enrollment of a pupil into transitional kindergarten,~~  
5 ~~kindergarten, or first grade in a public school, including a charter~~  
6 ~~school, the parent or legal guardian of the pupil shall make a~~  
7 ~~written disclosure stating whether the pupil is either of the~~  
8 ~~following:~~

9 ~~(1) Covered by health care coverage. The parent or legal~~  
10 ~~guardian shall provide proof of this coverage and indicate one of~~  
11 ~~the following:~~

12 ~~(A) He or she believes that this coverage constitutes minimum~~  
13 ~~essential coverage under Section 5000A of the federal Internal~~  
14 ~~Revenue Code.~~

15 ~~(B) He or she is not sure whether this coverage constitutes~~  
16 ~~minimum essential coverage under Section 5000A of the federal~~  
17 ~~Internal Revenue Code.~~

18 ~~(2) Not covered by health care coverage that constitutes~~  
19 ~~minimum essential coverage under Section 5000A of the federal~~  
20 ~~Internal Revenue Code. The parent or legal guardian shall disclose~~  
21 ~~whether he or she believes that the pupil is exempt from the~~  
22 ~~requirement under Section 5000A of the federal Internal Revenue~~  
23 ~~Code to maintain minimum essential coverage.~~

24 ~~(b) A public school shall provide a written notice to the parent~~  
25 ~~or legal guardian making the disclosure required under subdivision~~  
26 ~~(a) that the information provided will only be used for the purpose~~  
27 ~~of determining whether the parent or legal guardian of a pupil~~  
28 ~~should be directed to other resources for the purpose of obtaining~~  
29 ~~health care coverage for the pupil. This requirement shall be~~  
30 ~~deemed satisfied if the school uses the template developed under~~  
31 ~~subdivision (c).~~

32 ~~(c) With respect to a pupil who, according to the disclosure~~  
33 ~~under subdivision (a), may not be covered by health care coverage~~  
34 ~~that constitutes minimum essential coverage under Section 5000A~~  
35 ~~of the federal Internal Revenue Code, the school district shall make~~  
36 ~~a reasonable effort to direct the parent or legal guardian of the~~  
37 ~~pupil to the resources necessary to obtain affordable health care~~  
38 ~~coverage for the pupil that constitutes minimum essential coverage~~  
39 ~~under Section 5000A of the federal Internal Revenue Code.~~

1     ~~(d) A school district shall not discriminate against a pupil who~~  
2     ~~does not have health care coverage or prevent a pupil from~~  
3     ~~enrolling based on the pupil's lack of health care coverage or~~  
4     ~~inability to provide proof of health care coverage.~~

5     ~~(e) The State Department of Education may develop a~~  
6     ~~standardized template for the written disclosure required by this~~  
7     ~~section. If the department develops that template, the department~~  
8     ~~shall make the template available on its Internet Web site and shall,~~  
9     ~~upon request, provide written copies of the template to a school~~  
10    ~~district. A template developed pursuant to this subdivision shall~~  
11    ~~include a statement indicating that the information disclosed shall~~  
12    ~~only be used for the purpose of determining whether a parent or~~  
13    ~~legal guardian of a pupil should be directed to other resources for~~  
14    ~~the purpose of obtaining health care coverage for the pupil.~~

15    SEC. 2. If the Commission on State Mandates determines that  
16    this act contains costs mandated by the state, reimbursement to  
17    local agencies and school districts for those costs shall be made  
18    pursuant to Part 7 (commencing with Section 17500) of Division  
19    4 of Title 2 of the Government Code.